

Complainant:

Richard Spinks
GiggleBugs, LLC
213 West State Street
Millsboro, DE 19966
(302) 934-5437
rich@gigglebugs.net

Formal Complaint to:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, DE 19904

Subject of Complaint:

Agnes Carpenter
Sr. Supervisor
Delmarva Power
5100 Harding Highway
Mays Landing, NJ 08830
[REDACTED]

1. Jurisdiction: Why formal complaint was filed to Public Service Commission

Delmarva Power did not respond to requests by me to have them use the language stated in the Tariff to enforce rate categories. The Public Advocate did not deem the complaint made to him (see attachment labeled Public Advocate Rate Category Complaint) worth pursuing. An informal complaint was made to the Public Service Commission to which no resolution was offered by Delmarva Power. It is due to these prescribed routes not yielding results that I decided to lodge a formal complaint to the Public Service Commission.

2. Complaint: Delmarva Power is not following the Delaware Electric Tariff to determine Rate Category

The complaint is that the language in the Delaware Electric Tariff ("Tariff") concerning Rate Category is not being followed by Delmarva Power. The tariff unequivocally states that "Monthly Usage" be the determining factor in determining rate category. Delmarva Power uses "kWh draw" instead. This harms customers by making it harder for them to switch to the rate categories available to them per the tariff. This causes financial harm to customers because they are being prevented from switching to rate categories that would decrease

their electric bills. Any determination of rate class by any term other than “usage” is a direct violation of the language contained in the tariff and hurts customers.

3. Tariff states “Monthly Usage” is determining factor for Rate category

The Tariff reads as follows, as stated on P.S.C Del. No. 8- Electric, Fourth Revised Leaf No. 60 (Please reference Delaware Electric Tariff at

<https://www.delmarva.com/MyAccount/MyBillUsage/Documents/Master%20tariff%20eff%2009-01-2018%20filed%2008-24-18.pdf>):

SMALL GENERAL SERVICE-NON DEMAND RATE A. Availability This rate is available to any Customer having a maximum monthly usage of less than 3,500 kWh and desiring service at secondary voltage as defined in Section XI-I of the Rules and Regulations. Any Customer taking service under this service classification whose kWh usage for any 2 consecutive billing months is equal to or exceeds 3,500 kWh shall be automatically transferred to Service Classification "MGS-S", effective with the next succeeding billing month. Any Customer so transferred shall remain on "MGS-S" for at least 12 billing months, even though the Customer's monthly usage in succeeding billing months may be less than 3,500 kWh. After such 12 billing months, at the Customer's option, the Customer may be transferred back to this Service Classification "SGS-ND" provided that the Customer has not used more than 3,500 kWh for any 2 consecutive billing months within the most recent 12 billing months.

4. Delmarva Power uses “kWh draw” instead of “Monthly Usage” to determine rate categories (Please see attachment labeled Email Correspondence with Delmarva Power.)

When attempting to have my service changed from Medium General Service (MGS-S) to Small General Service (SGS-ND) based on the usage as shown on my bill, it was communicated to me that the standard for changing rate categories was not based on usage, but on “kWh draw”. There is nothing in the tariff that allows for this to be the standard (see above). Furthermore, there would be no way for me as a consumer to know that would be the standard either by reading the tariff or by looking at my electric bill.

5. Electric Bills Clearly State “Current month usage KWH”

(Please see attachment labeled Terms as Shown on Actual Electric Bill.)

According to the tariff, “monthly usage” is the determining factor for switching to or staying in SGS-ND. On a monthly electric bill, the terms Use and Usage are used in several places to indicate how much power has been used in the billing period. “Total Use” is used in one area, “Current monthly usage KWH” is shown in another. Nowhere does it indicate or reference that another interpretation of the term “usage” should be required to understand how rate categories are determined in the Tariff. The tariff clearly states “Monthly Usage” is the determining factor. Nothing in my bill or in the Tariff would indicate it would be calculated by any other method than is shown on my bill.

6. Application of “KWH Draw” versus “Monthly Usage”

(Please see attachment labeled Terms as Shown on Actual Electric Bill.)

Instead of using “Current month usage KWH” or “Monthly Use”, which are two terms stated on my monthly electric bill, it uses “kWh draw”, which is a different term, not found in the Tariff. On my attached electric bill, Current month usage KWH” is 0. Use (kWh) is -2940 kWh. If either of those terms were used to determine rate categories, there would be very little possibility that my account would not be eligible for rate category SGS-ND. Instead, Delmarva Power uses “kWh draw”. In some months, my kWh draw exceeds 3,500 kWh, while my “Current month usage KWH” and Use (kWh) stay far below 3,500 kWh. Since monthly usage of above/ below 3,500 kWh is the determining factor in rate category placement, Delmarva Power has violated the tariff in order to have more customers vulnerable to the more expensive rate categories. No more than any customer should be able to change the rules as stated in the Tariff should Delmarva Power be able to change the rules as stated in the Tariff.

7. Ongoing threat of re-assignment of rate category

Even when customers are able to navigate the incorrect way that Delmarva Power requires customers to have “kWh draw” under 3,500 kWh to be granted SGS-ND rate category, they are constantly under the threat of being switched to MGS-S, which includes costly demand charges. This is another way in which this non-conformance to the Tariff by Delmarva Power hurts customers. It is not just in earning the initial acceptance into the less expensive SGS-ND, but the ongoing threat to be switched to MGS-S that is how this non-conformance hurts customers.

8. Resolution of complaint

To resolve this complaint, Delmarva Power must acknowledge the Tariff was not properly followed and begin immediately applying the language in the tariff to their rate category determination process. Any customers who have been told that “kWh draw” is how their rate category is determined should be contacted within 30 days and notified that this determination is incorrect.